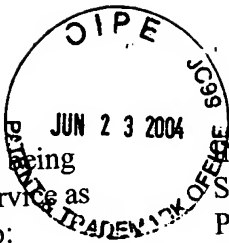
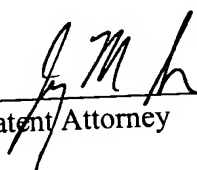


IFW



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 21, 2004.

INFORMATION DISCLOSURE
STATEMENT
Patent Application
Docket No. DAS-101XC2
Serial No. 10/609,113


Jay M. Sanders, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Scott Bintrim, Scott Bevan, Baolong Zhu, Donald J. Merlo
Serial No. : 10/609,113
Filed : June 27, 2003
For : Pesticidally Active Proteins and Polynucleotides Obtainable from
Paenibacillus Species

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

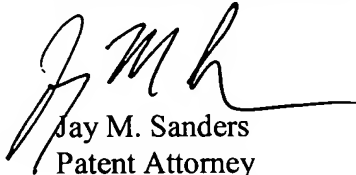
In accordance with 37 CFR §1.97 and §1.98, the applicants would like to bring to the attention of the Examiner the references listed on the attached Forms PTO/SB/08A and PTO/SB/08B. Copies of the references are enclosed.

It is respectfully requested that the references listed on the attached Forms PTO/SB/08A and PTO/SB/08B be considered in the examination of the subject application and that their consideration be made of record.

Applicants respectfully assert that the substantive provisions of 37 CFR §§1.97 and 1.98 are met by the foregoing statements.

Though no fees are believed to be required for this paper, the Patent Office is hereby authorized to charge any fees required by this paper to Deposit Account No. 19-0065.

Respectfully submitted,



Jay M. Sanders
Patent Attorney

Registration No. 39,355

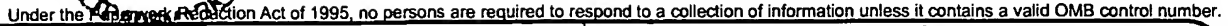
Phone No.: 352-375-8100

Fax No.: 352-372-5800

Address: 2421 N.W. 41st Street, Suite A-1
Gainesville, FL 32606-6669

JMS/ehm

Attachments: Forms PTO/SB/08A and PTO/SB/08B
Copies of Listed References



Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Complete if Known

(Use as many sheets as necessary)

Application Number	10/609,113
Filing Date	June 27, 2003
First Named Inventor	Scott B. Bintrim
Art Unit	
Examiner Name	
Attorney Docket Number	DAS-101XC2

[illegible]

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	2	WO 97/17432 A1	05-15-1997	Ensign et al.	Pls review all	
	3	WO 98/08932 A1	03-05-1998	Ensign et al.	Pls review all	
	4	WO 98/50427 A1	11-12-1998	Ensign et al.	Pls review all	

Date	
Considered	

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/609,113
Filing Date	June 27, 2003
First Named Inventor	Scott B. Bintrim
Art Unit	
Examiner Name	
Attorney Docket Number	DAS-101XC2

Sheet 2 of 3

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	5	BOWEN, D. et al., Photorhabdus luminescens insecticidal toxin complex proteins..., GENBANK Accession No. AF046867 (June 30, 1998)	
	6	BOWEN, D. et al., insecticidal toxin complex protein TcaC (Photorhabdus luminescens), GENBANK Accession No. AAC38625 (June 30, 1998)	
	7	CAMPOBASSO, N. et al., Chain A, Thiaminase I from Bacillus thiaminolyticus, GENBANK Accession No. 2THI_A (September 17, 1998)	
	8	COSTELLO, C.A. et al., Thiaminase I precursor, GENBANK Accession No. AAC44156 (July 22, 1996)	
	9	DONOVAN, W.P. et al., Bacillus thuringiensis cryIIIB2 gene, complete cds. GENBANK Accession No. M89794 (April 26, 1993)	
	10	HERRNSTADT, C. et al., B. thuringiensis cryC gene encoding delta-endotoxin, 5' end, GENBANK Accession No. M22472 (April 26, 1993)	
	11	HURST, M.R. et al., SepB (Serratia entomophila), GENBANK Accession No. AAG09643 (November 5, 2003)	
	12	HURST, M.R. et al., SepC (Serratia entomophila), GENBANK Accession No. AAG09644 (November 5, 2003)	
	13	LAMBERT, B. et al., B. thuringiensis cryIIID gene for coleopteran-active insecticidal crystal protein, GENBANK Accession No. X59797 (March 10, 1992)	
	14	MORGAN et al., XptB1 protein (Xenorhabdus nematophila), GENBANK Accession No. CAC38402 (May 11, 2001)	

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Complete if Known	
		Application Number	10/609,113
		Filing Date	June 27, 2003
		First Named Inventor	Scott B. Bintrim
		Art Unit	
		Examiner Name	
Sheet	3	of	3
		Attorney Docket Number	DAS-101XC2

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	15	MORGAN et al., XptC1 protein (Xenorhabdus nematophila), GENBANK Accession No. CAC38403 (May 11, 2001)	
	16	SICK, A. et al., Bacillus thuringiensis cryIIIB gene for coleopteran-active delta-endotoxin (partial), GENBANK Accession No. X17123 (June 22, 1992)	
	17	WATERFIELD, N.R. et al., toxin complex protein (Photorhabdus luminescens), GENBANK Accession No. AAL18473 (October 25, 2001)	
	18	WATERFIELD, N.R. et al., TcdB1; toxin complex protein (Photorhabdus luminescens), GENBANK Accession No. AAL18487 (July 17, 2003)	
	19	WATERFIELD, N.R. et al., TccC2 (Photorhabdus luminescens), GENBANK Accession No. AAL18492 (July 17, 2003)	
	20	WATERFIELD, N.R. et al., TccC4 (Photorhabdus luminescens), GENBANK Accession No. AAO17196 (July 17, 2003)	
	21	WATERFIELD, N.R. et al., TcdB2 (Photorhabdus luminescens), GENBANK Accession No. AAO17202 (July 17, 2003)	
	22	WATERFIELD, N.R. et al., TccC3 (Photorhabdus luminescens), GENBANK Accession No. AAO17204 (July 17, 2003)	
	23	WATERFIELD, N.R. et al., TccC5 (Photorhabdus luminescens), GENBANK Accession No. AAO17210 (July 17, 2003)	

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.